

United States District Court
for the
Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 11, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES OF AMERICA

v.

OSCAR TRISTAN RODRIGUEZ

Case No. 2:24-MJ-00424-ACE

CRIMINAL COMPLAINT

I, Timothy Wihera, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) July 11, 2024, in the county of Grant in the Eastern District of Washington, the defendant(s) violated:

Code Section

18 U.S.C. §§ 922(g)(1), 924(a)(8)

Offense Description

Felon in Possession of a Firearm

This complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

Timothy Wihera, Special Agent

Printed name and title

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date: July 11, 2024




Judge's signature

Alexander C. Ekstrom, United States Magistrate Judge

Printed name and title

City and state: Yakima, Washington

AUSA: CAB

County: Spokane

In Re Affidavit in Support of Criminal Complaint as to Oscar Tristan RODRIGUEZ

State of Washington)

ss

County of Spokane)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Timothy Wihera, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint seeking the arrest of Oscar Tristan RODRIGUEZ for Unlawful Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8). This statute prohibits the possession of firearms or ammunition that have travelled in or effected interstate or foreign commerce by persons who have been convicted of a crime for which they could be imprisoned for over one year.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, & Explosives (“ATF”) and have been since December 2018. Prior to serving as a federal agent, I served as a police officer in the City of Colorado Springs, Colorado, for over four years with primary duties as a patrol officer. During my time as a law enforcement officer, I have participated in numerous investigations into violations of federal firearms laws.

3. The facts set forth below are based upon (1) my own personal observations; (2) reports and information provided to me by other law enforcement agents or government agencies; (3) evidence collected through investigative

operations. Because this affidavit is being submitted solely for establishing probable cause to support a criminal complaint, I have not included every fact known to me concerning this investigation. I have only set forth facts necessary to support the authorization of the requested arrest warrant and criminal complaint.

INVESTIGATION

4. On July 11, 2024, Oscar RODRIGUEZ (aka “Little Man”, “RODRIGUEZ”) was contacted by the ATF and Moses Lake Police Department (“MLPD”) in the Moses Lake, Washington area related to the execution of federal search warrants, which included a search warrant for RODRIGUEZ’ person. During the execution of that search warrant, ATF located the key to a brown Kia with Washington license plate CME9283 in his pant pocket. Ultimately, RODRIGUEZ provided consent (audio and video recorded) to search the vehicle. In a lunch box type container in the vehicle, ATF located a loaded Smith & Wesson Model SW40VE .40S&W caliber pistol that had an obliterated serial number. Also in the lunch box was pill bottle with RODRIGUEZ’ name on it. In the center console of the vehicle, ATF located 4 rounds of .40 caliber ammunition.

5. In a post-*Miranda* statement, RODRIGUEZ admitted to possessing the firearm.

6. I am aware from training and experience and from consulting with ATF interstate nexus experts that Smith & Wesson firearms are not manufactured in the State of Washington. Consequently, I believe the firearm recovered from the lunch box (described above) has travelled in or effected interstate commerce.

7. RODRIGUEZ is currently on federal supervised release stemming from a 2020 federal conviction for Possession with Intent to Distribute Methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C), under Cause Number 2:19-CR-0056-EFS. RODRIGUEZ was sentenced to 60 months of incarceration and thus, has been convicted of a crime for which he could be

imprisoned for over one year and is prohibited from possessing firearms or ammunition.

CONCLUSION

8. Based on the foregoing, I submit that there is probable cause to believe that on July 11, 2024, Oscar Tristan RODRIGUEZ committed the offense of Unlawful Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8).

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "T. Wihera", with a long horizontal flourish extending to the right.

Timothy Wihera
Special Agent, ATF

Sworn to telephonically and signed electronically on this 11th day of July, 2024.

A handwritten signature in blue ink, appearing to read "Alexander C. Ekstrom", followed by the official seal of the United States District Court for the District of Columbia. The seal is circular with an eagle in the center and the words "UNITED STATES DISTRICT COURT" and "DISTRICT OF COLUMBIA" around the perimeter.

Honorable Alexander C. Ekstrom
United States Magistrate Judge